

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL SECTION

_____	)	C.A. 04-40148
MARK A. PETERSON,	)	
Plaintiff	)	
	)	
v.	)	
	)	
MASSACHUSETTS INSTITUTE OF	)	
TECHNOLOGY – LINCOLN LABORATORY	)	
– and –	)	
RESEARCH DEVELOPMENT and	)	
TECHNICAL EMPLOYEES, UNION,	)	
Defendants	)	
_____	)	

UNION DEFENDANT'S LOCAL  
RULE 56.1 STATEMENT

Defendant Research Development and Technical Employees Union ("RDTEU") submits that there are no genuine issues to be tried as to these material facts of record:

1. Plaintiff Mark A. Peterson has filed only one complaint with the Massachusetts Commission Against Discrimination ("MCAD"): Peterson v. M.I.T. LINCOLN LAB, MCAD Docket No. 03BEM02990, Affidavit of Myrna Solod, Clerk MCAD ("Solod Affidavit") para. 2.

2. Plaintiff's MCAD Complaint is appended to the Solod Affidavit and states, in part:

Named is the employer, labor organization, employment agency, or state or local government agency

MIT Lincoln Lab  
Human Resources  
244 Wood Street  
Lexington, MA 02420  
Primary Phone (718) 981-5500 ext. \_\_\_\_  
No. of Employees: 25+  
Work Location: Lexington, MA

3. Plaintiff did not file an MCAD Complaint against RDTEU. Solod Affidavit, para. 2 and copies of MCAD records attached thereto.

4. Plaintiff's Complaint asserts at 1. Introduction, in part:

Plaintiff, Mark A. Peterson...alleges that on or about October 7, 2003, ...he was harassed and treated differently from other employees concerning his position as instrument maker. ...Peterson alleges that the Defendant, Research Development and Technical Employees Union (...) participated in the harassment and did not perform its duty of fair representation.

5. Plaintiff's complaint further alleges in substance, at paras. 26, 27, and 28, as follows:

In October 2003, he complained to a Union Executive Board Member about a supervisor's interaction with him;

Plaintiff requested that a grievance be filed a week later; and,

A meeting ensued in October 2003 described to plaintiff as a Step 2 grievance meeting. Plaintiff, the Union's Grievance Committee Chairperson, a Union Executive Board Member, Plaintiff's supervisor and an employer personnel representative attended.

6. The complaint at para. 29, continues in part:

After one or two weeks, Peterson asked Robert Patterson (...), the steward about his grievance. A second meeting was held with Peterson, Haskell, Rodriguez, and Patterson. Neither the Union nor management took any further action concerning Peterson's Complaint.

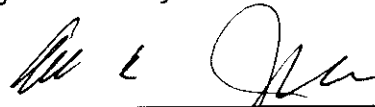
7. Count III asserts at para. 37:

The Defendant Union has violated its duty of fair representation of Plaintiff because its managers and/or members participated in the harassment and disparate treatment of plaintiff and failed to pursue grievances on behalf of plaintiff.

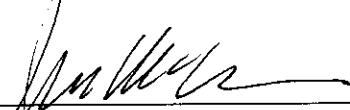
8. Plaintiff's Complaint was filed on August 3, 2004.

RESEARCH DEVELOPMENT and  
TECHNICAL EMPLOYEES UNION

By its attorneys



E. David Wanger, Esq.  
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(617) 723-5500

Dated: 10/12/04

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney(s) of record for each other party by mail/hand on 10/12/04

Date: 10/12/04

  
John F. McMahon, Esquire